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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,544	06/29/2000	Colin S. Cole	3797.86783	8016
28319	7590	08/17/2006	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1001 G STREET, N.W. SUITE 1100 WASHINGTON, DC 20001-4597			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/605,544	COLE ET AL.
	Examiner	Art Unit
	Aaron Strange	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 May 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,5-8,12-16 and 18-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,5-8,12-16 and 18-25 is/are rejected.

7) Claim(s) 26 and 27 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments, see page 7 of remarks filed 5/22/2006, with respect to the rejection of claims 12-16 under 35 USC 112, first paragraph have been fully considered and are persuasive. The rejection of has been withdrawn.
2. With regard to claim 1, and Applicant's assertion that Dutta does not disclose "generating a plugin" "based on a predetermined schema" (Page 8 of Remarks), the Examiner respectfully disagrees. Dutta discloses transmitting content processing plugins along with content to a client (at least Col 7, Line 63 to Col 8, Line 11). In order to transmit the plugins, they must have been generated, and they have to be generated according to a predetermined schema in order to properly process the accompanying content.
3. With regard to claim 12, and Applicant's assertion that the combination of Lection and Dutta do not disclose a data filed containing a plugin configured to create an object from the markup language of the data file (page 10 of remarks), the Examiner respectfully disagrees. Applicant has generally attempted to show nonobviousness by attacking references individually where the rejections are based on combinations of references. In the present case, Lection teaches a data structure containing all data fields claimed except a data filed containing a plugin to create an object from the data file. Dutta teaches including plugins with data files to ensure that the client can properly

handle them. One of ordinary skill in the art, given the teachings of Lection and Dutta would have been motivated to include a plugin with the rest of the data structure in order to ensure that the receiving client can properly handle (in this case, create an object from) the data files.

4. With regard to claims 16 and 20, as discussed above with regard to claim 12, the teachings of Dutta suggested and would have motivated one of ordinary skill in the art to include a plugin with the data files in order to ensure that the receiving client can properly handle (in this case, create an object from) the data files.

With regard to the newly added limitations regarding including plugins corresponding to an operating system, these limitations have been addressed below.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. With regard to claim 1, Hughes discloses a method for exchanging data between a source location and a destination location (column 5, lines 39-41) comprising:  
generating a data file formatted in a markup language in accordance with a predetermined schema (column 8, lines 35-39);

generating a first software envelope containing the data file (column 6, lines 6-14);

transmitting the data file software envelope to the destination location (column 5, lines 64-67 – column 6, lines 1-5); and

creating the object from the markup language of the data file using a plugin (column 9, lines 25-32 and 47-57). However, Hughes fails to specifically disclose that the plugin is attached to the software envelope.

Dutta teaches including a plugin with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view/process the data file correctly (Col 7, Line 63 to Col 8, Line 11). Dutta further discloses creating a plugin based on the predetermined schema for creating an object from the data file (plugins must have been created in order to be transmitted). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the data file.

7. With regard to claim 6, Hughes further discloses wherein the markup language comprises standard generalized markup language (SGML) (Col 8, Lines 35-39).

8. With regard to claim 7, Hughes further discloses wherein the step of transmitting comprises transmitting the software envelope via electronic mail (Col 8, Lines 43-44).

9. With regard to claim 25, Dutta further discloses that the software envelope contains the plugin (content and content processing software are sent together)(at least Abstract, Lines 12-16).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice.

11. With regard to claim 8, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), including that the messages may be transmitted "by HTML" (Col 8, Lines 43-47), it fails to specifically recite that the step of transmitting comprises transmitting the software envelope via HTTP.

The Examiner takes Official Notice that transmitting messages via HTTP is old and well-known in the art. HTML messages are usually transmitted via HTTP, during operations such as loading a web page. HTTP would have been the most common means of transmitting HTML at the time the invention was made, and would almost certainly have been used.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use HTTP to transmit HTML formatted messages since HTTP is the most common transport protocol for HTML.

12. Claims 16,19,20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice.

13. With regard to claim 16, Hughes discloses a method for creating data at a source location to transmit to a destination location (column 5, lines 39-41), comprising the steps of:

generating a data file formatted in a markup language in accordance with a predetermined schema (column 8, lines 35-39);  
identifying a plugin corresponding to the predetermined schema that is configured to create an object from the markup language of the data file (column 9, lines 25-32);

generating a software envelope containing the data file (column 6, lines 6-14);  
and

transmitting the software envelope to the destination location (column 5, lines 64-67 – column 6, lines 1-5). However, Hughes fails to specifically disclose attaching the plugin to the software envelope or that the plugin corresponds to an operating system associated with the destination location.

Dutta teaches including a plugin with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

The Examiner takes Official Notice that utilizing plugins corresponding to a particular operating system is old and well-known in the art. It would have been apparent to one of ordinary skill in the art at the time the invention was made that it would have been advantageous, and in fact necessary, to send the client a plugin corresponding to its operating system since the client could not execute plugins designed for an operating system it does not run.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the data file.

14. With regard to claims 19 and 22, Hughes further discloses wherein the markup language comprises standard generalized markup language (SGML) (Col 8, Lines 35-39).

15. With regard to claim 20, Hughes discloses a method for extracting data from a file transmitted from a source location, comprising the steps of:

receiving a software envelope containing a data file marked up with a markup language in accordance with a predetermined schema (column 5, lines 64-67 – column 6, lines 1-5);

receiving a plugin, wherein the plugin corresponds to the predetermined schema and is configured to create an object from the markup language of the data file (column 9, lines 25-32);

and creating the object from the markup language of the data file with the plugin (column 9, lines 47-57). However, Hughes fails to specifically disclose that the plugin is attached to the software envelope or that the plugin corresponds to an operating system associated with the destination location.

Dutta teaches including a plugin with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

The Examiner takes Official Notice that utilizing plugins corresponding to a particular operating system is old and well-known in the art. It would have been apparent to one of ordinary skill in the art at the time the invention was made that it

would have been advantageous, and in fact necessary, to send the client a plugin corresponding to its operating system since the client could not execute plugins designed for an operating system it does not run.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the data file.

16. Claims 5, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice in further view of Lection et al. (US 6,446,110).

17. With regard to claims 5, 18 and 21, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the markup language comprises extensible markup language (XML).

Lection discloses using the well-known markup language XML to generate a data file (Col 6, Lines 34-35 and Fig 13A). This would have been an advantageous addition to the system disclosed by Hughes and Dutta since XML allows great flexibility in organizing and presenting information in the data file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use XML as the markup language in the system

disclosed by Hughes and Dutta since it is a well-known language that allows great flexibility in organizing and presenting information in the data file.

18. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lection et al. (US 6,446,110) in view of Dutta et al. (US 6,615,212).

19. With regard to claim 12, Lection discloses a computer-readable medium having stored thereon a data structure comprising:

    a data field containing address information (see column 9, line 19 ("host port number"));

    a data field containing the identification of a predetermined schema (see column 9, lines 4-6);

    a data field containing a data file formatted with a markup language in accordance with the schema (figures 13A-13E, col. 10 lines 14-19); and

    a data field containing manifest information corresponding to the information contained in the data file data field (see figure 10A-10E, column 9, lines 7-9 and 22-30). However, Lection fails to disclose that the data structure comprises an attached plugin configured to create an object from the markup language data file in accordance with the predetermined schema.

    Dutta teaches including a plugin with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file

correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the data structure disclosed by Lection since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand and utilize them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand and utilize the data file.

20. With regard to claim 13, Lection further discloses a data field containing state information (see column 9, lines 16-18).

21. With regard to claim 14, Lection further discloses wherein the state information contains address information (see column 9, line 19 ("host port number")).

22. With regard to claim 15, Lection further discloses wherein the address information contains an address for replying to a message (see Fig. 4; Note that the double arrows show that the datastreams are going in both directions between the source and destination and therefore the address information must contain an address for replying to the datastream message in order for it to be transmitted back to the host).

23. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice in further view of Chen et al. (US 6,507,856).

24. With regard to claim 23, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), it fails to disclose generating a second software envelope from the information contained in the first software envelope, wherein the second envelope has a destination address matching the source address of the first envelope.

Chen discloses a system for exchanging messages over a network including automatically generating a second software envelope from the information contained in the first software envelope (Col 3, Lines 50-60), having a destination address matching the source address of the first envelope (Col 3, Lines 50-60). This would have been an advantageous addition to the system disclosed by Hughes in view of Dutta since it would have provided greater efficiency when transferring a document back to the original destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a second software envelope from the information contained in the first software envelope since it would have provided greater efficiency when transferring a document back to the original destination.

25. With regard to claim 24, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), it fails to disclose generating a second software envelope from the information contained in the first software envelope, wherein the second envelope has a destination address matching the source address of the first envelope.

Chen discloses a system for exchanging messages over a network including automatically generating a second software envelope from the information contained in the first software envelope (Col 3, Lines 50-60), having a destination address determined by the state information (Col 3, Lines 50-60). This would have been an advantageous addition to the system disclosed by Hughes in view of Dutta since it would have provided greater efficiency when transferring a document back to the original destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a second software envelope from the information contained in the first software envelope since it would have provided greater efficiency when transferring a document back to the original destination.

#### ***Allowable Subject Matter***

26. Claims 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/9/06



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PRIMARY EXAMINER